

REMARKS

Claims 1-11 and 14-31 are pending. Claims 12 and 13 have been cancelled without prejudice or disclaimer of subject matter. Claims 1, 22 and 31 have been amended to further define Applicant's invention and are in independent form. Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following comments.

Claims 1-31 stand rejected under 35 U.S.C. § 112, first and second paragraphs, for allegedly failing to comply with the enablement requirement and for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as her invention. Specifically, the Examiner takes issue with the phrase "essentially solid."

Applicant has amended independent Claims 1, 22 and 31 by removing the phrase "essentially solid" from those claims. Since the remaining claims either directly or indirectly depend from Claims 1, 22 or 31, then the remaining claims also do not include the phrase "essentially solid." As such, Applicant respectfully submits that the rejections of Claims 1-31 under § 112 should be withdrawn.

Claims 1-31 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by European Patent Document No. EP0334617 ("*Goodacre et al.*"). Applicant respectfully traverses these rejections, in view of the comments set forth below.

One of the noteworthy features of Claims 1, 22 and 31 is the requirement that the sweetener composition have a density that is the same as the density of sucrose.

Goodacre et al. teach a sweetener composition comprising agglomerating hollow spheroids or part spheroids of microcrystalline sucrose with sucralose and a binder. The inclusion of hollow spheroids or part spheroids of microcrystalline sucrose by *Goodacre et al.*

prevents the sweetener composition disclosed in *Goodacre et al.* from having a density that is the same as the density of sucrose, as recited in Claim 1.

As such, Claim 1 is distinguishable and patentable over *Goodacre et al.*

Similarly, Claims 22 and 31 include the requirement that the sweetener composition have a density that is the same as the density of sucrose. For at least the reasons stated above for Claim 1, Claims 22 and 31 are distinguishable and patentable over *Goodacre et al.*

The remaining claims directly or indirectly depend from Claims 1, 22 or 31. These claims are also believed to be patentable over *Goodacre et al.*, since they depend from a patentable base claim.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and allowance of the claims in the present application.

If any fees are due in connection with the filing of this Response, authorization is hereby given to charge the amount of such fee to Deposit Account No. 10-0750/MSP5011NP/VT in the name of Johnson & Johnson.

Applicant's undersigned attorney may be reached in our office by telephone at (732) 524-1767. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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